

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

**Case No. 01-CR-113
05-C-104**

-vs-

JAIME MARQUEZ,

Defendant.

DECISION AND ORDER

The defendant, Jaime Marquez (“Marquez”), has appealed from the denial of his motion attacking his sentence under 28 U.S.C. § 2255. On July 7, 2006, the Court denied Marquez’s motion to proceed *in forma pauperis* (“IFP”) on appeal and certified that his appeal was not taken in good faith. The Court further states that it will not issue a certificate of appealability. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b). As noted previously, Marquez has failed to offer any reason why the dismissal of his motion as untimely was erroneous. Marquez has failed to make a “substantial showing of the denial of a constitutional right” or present questions that are debatable among jurists of reason. *See Kraushaar v. Flanagan*, 45 F.3d 1040 (7th Cir. 1995); § 2253.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT** Marquez's request for a Certificate of Appealability is **DENIED**.

Dated at Milwaukee, Wisconsin, this 5th day of October, 2006.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge